

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed July 21, 2009. Upon entry of the amendments in this response, claims 1 – 5, 7 – 22, and 24 – 34 remain pending. In particular, Applicant amends claims 1 and 18 – 34 and cancels claims 5 and 22 without prejudice, waiver, or disclaimer. Applicant cancels these claims merely to reduce the number of disputed issues and does not intend to dedicate the subject matter of the canceled claims to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Examiner Interview

Applicant first wishes to express sincere appreciation for the time that Examiner Wu spent with Applicant's Attorney, Anthony Bonner, during a telephone discussion on October 5, 2009 regarding the outstanding Office Action. During that conversation, Examiner Wu and Mr. Bonner discussed potential arguments and amendments with regard to claim 1, in view of the cited art. More specifically, Examiner Wu provided draft amendments, which Examiner Wu indicated would place the present application in condition for allowance. As Applicant amends claims 1 and 18, according to Examiner Wu's suggestions, Applicant respectfully requests that Examiner Wu carefully consider this response and the amendments.

II. Objections to Declaration

The Office Action contends that the declaration is defective because the declaration allegedly does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor of the subject matter is claimed and for which a patent is sought. Applicant respectfully traverses this allegation for at least the reasons previously argued, but submit a "Petition Under 37 C.F.R. §1.47 to Accept Filing of Application

Made on Behalf of an Inventor Who Cannot Be Found or Reached After Diligent Effort.”

Applicant submits that this petition addresses this objection and requests an expedited allowance of the present application.

III. Claim Objections

The Office Action objects to claims 5 and 22 under 37 CFR 1.75 as allegedly being substantial duplicates of claims 3 and 20. Applicant cancels claims 5 and 22, as indicated above, thus rendering this issue moot.

IV. Objections to the Specification

The Office Action indicates that the specification is objected to as failing to provide proper antecedent basis for the subject matter of claims 18 – 34. Applicant respectfully traverses this rejection. More specifically, MPEP §608.01(o) states:

[u]sually the terminology of the original claims follows the nomenclature of the specification, but sometimes in amending the claims or in adding new claims, new terms are introduced that do not appear in the specification...

(Emphasis added).

Applicant submits that, as illustrated in the passage above, the MPEP provides for scenarios where terms do not appear in the specification. However, as long as one of ordinary skill in the art would understand the scope of the specification to include the claimed subject matter, 35 U.S.C. §112 is fulfilled.

With regard to claims 18 – 34, the term “computer-readable storage medium” would unquestionably be understood by one of ordinary skill in the art as being a concept included in the specification of the present application. For at least this reason, Applicant respectfully traverses this objection.

V. Rejections Under 35 U.S.C. §112

The Office Action indicates that claims 5 and 22 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant amends claims 5 and 22, as indicated above. Applicant submits that claims 5 and 22, as amended, fulfill all the requirements of 35 U.S.C. §112.

VI. Rejections Under 35 U.S.C. §101

The Office Action indicates that claims 18 – 34 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicant amends claims 18 – 34, as indicated above. Applicant submits that these amendments comply with the Office Action request and that claims 18 – 34, as amended, fulfill all the requirements of 35 U.S.C. §101.

VII. Rejections Under 35 U.S.C. §103

A. Claim 1 is Allowable Over *Silberschatz* and *Coffman*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Silberschatz, et al.*, "Applied Operating System Concepts," First Edition, John Wiley & Sons, Inc., 2000; pages 36-37, 77-82, 95-113, 567-574, 706-708, 719-735, 751-758 ("*Silberschatz*") in view of U.S. Patent Number 6,553,438 ("*Coffman*"). Applicant respectfully traverses this rejection for at least the reason that *Silberschatz* in view of *Coffman* fails to disclose, teach, or suggest all of the elements of claim 1.

More specifically, after a discussion between Mr. Bonner and Examiner Wu, both agree that claim 1, as amended herein, is novel and nonobvious in view of the cited art.

B. Claim 18 is Allowable Over *Silberschatz* and *Coffman*

The Office Action indicates that claim 18 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Silberschatz, et al.*, "Applied Operating System Concepts," First Edition, John Wiley & Sons, Inc., 2000; pages 36-37, 77-82, 95-113, 567-574, 706-708, 719-735, 751-758 ("*Silberschatz*") in view of U.S. Patent Number 6,553,438 ("*Coffman*"). Applicant respectfully traverses this rejection for at least the reason that *Silberschatz* in view of *Coffman* fails to disclose, teach, or suggest all of the elements of claim 18. More specifically, after a discussion between Mr. Bonner and Examiner Wu, both agree that claim 18, as amended herein, is novel and nonobvious in view of the cited art.

C. Claims 2 – 5, 7 – 12, 16, 17, 19 – 22, 24 – 29, 33, and 34 are Allowable Over *Silberschatz* and *Coffman*

The Office Action indicates that claims 2 – 5, 7 – 12, 16, 17, 19 – 22, 24 – 29, 33, and 34 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Silberschatz, et al.*, "Applied Operating System Concepts," First Edition, John Wiley & Sons, Inc., 2000; pages 36-37, 77-82, 95-113, 567-574, 706-708, 719-735, 751-758 ("*Silberschatz*") in view of U.S. Patent Number 6,553,438 ("*Coffman*"). Applicant respectfully traverses this rejection for at least the reason that *Silberschatz* in view of *Coffman* fails to disclose, teach, or suggest all of the elements of claims 2 – 5, 7 – 12, 16, 17, 19 – 22, 24 – 29, 33, and 34. More specifically, dependent claims 2 – 5, 7 – 12, 16, and 17 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Further, dependent claims 19 – 22, 24 – 29, 33, and 34 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 18. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

D. Claims 13 – 15 and 30 – 32 are Allowable Over *Siberschatz, Coffman, and Jaworski*

The Office Action indicates that claims 13 – 15 and 30 – 32 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Siberschatz, et al.*, "Applied Operating System Concepts," First Edition, John Wiley & Sons, Inc., 2000; pages 36-37, 77-82, 95-113, 567-574, 706-708, 719-735, 751-758 ("*Siberschatz*") and U.S. Patent Number 6,553,438 ("*Coffman*") as applied to claims 1, 11, 18, and 28, in view of Jamie Jaworski, "JAVA 1.1 Developer's Guide," Second Edition, Sams.net Publishing, 1997: pages 90 – 96 ("*Jaworski*"). Applicant respectfully traverses this rejection for at least the reason that *Siberschatz* in view of *Coffman* and *Jaworski* fail to disclose, teach, or suggest all of the elements of claims 13 – 15 and 30 – 32. More specifically, dependent claims 13 – 15 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Further, dependent claims 30 – 32 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 18. Because *Jaworski* fails to overcome the deficiencies of *Siberschatz* and *Coffman*, claims 13 – 15 and 30 – 32 are allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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